LEGISLATIVE ASSEMBLY
OF
PRINCE EDWARD ISLAND

1ST ANNUAL REPORT
(April 1, 2001 - November 30, 2002)

103-03167/

2 December, 2002

To Members of the Legislative Assembly
of
Prince Edward Island

It gives me great pleasure to submit to you the 1st Annual Report of the Legislative Assembly of Prince Edward Island and the P.E.I. Branch of the Commonwealth Parliamentary Association for the period ending 30 November, 2002.

It has been my distinct pleasure and honour to serve as Speaker of the Legislative Assembly and President of the PEI Branch of the CPA, since being elected by secret ballot on 11 May, 2000. The opportunity has provided me with a much greater understanding of our system of parliamentary democracy, not only on Prince Edward Island, but throughout Canada and the Commonwealth. It has become apparent to me that the work of our Legislative Assembly ought not to be taken for granted. It is important that we be ever vigilant in our pursuit of democratic ideals and principles. Members have been entrusted with a unique opportunity to represent the interests of constituents on the floor of our historic Legislature, yet the role of the Legislative Assembly is not well understood or well presented to the public.

In an attempt to more clearly explain and present the work of the Legislative Assembly, I have the pleasure to submit the following 1st Annual Report which I hope will become a document tabled annually in the House.

Respectfully,

Mildred Dover

Hon. Mildred Dover, MLA
Speaker of the Legislative Assembly

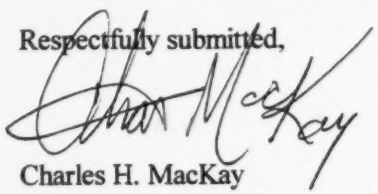
November 30, 2002

Honourable Mildred Dover, MLA
Speaker of the Legislative Assembly

I have the honour to present to you the 1st Annual Report of the Legislative Assembly of Prince Edward Island & the Prince Edward Island Branch of the Commonwealth Parliamentary Association. The Report will highlight the various activities of the Legislative Assembly and the Office of the Legislative Assembly throughout the year and for the period ending 30 November, 2002.

Throughout 2002, the staff of the Office of the Legislative Assembly continue to demonstrate a high level of commitment and professionalism in supporting the work of all Members. Often working quietly behind the scenes, the highly specialized work of Assembly staff is an absolute necessity to ensure the smooth and proper functioning of the House. As always, it has been a pleasure to have the opportunity to work with full time and sessional staff of the House in delivering service and support to Members in the conduct of their responsibilities.

Respectfully submitted,



Charles H. MacKay
Clerk of the Legislative Assembly
and
Secretary, P.E.I. Branch, Commonwealth Parliamentary Association

Role of the Speaker
by
Hon. Mildred Dover, MLA
Speaker of the Legislative Assembly

The Speaker of the Legislative Assembly is an MLA elected by a secret ballot procedure at the beginning of every new General Assembly. All Members, except the Premier, Members of Executive Council, Leader of the Opposition, and leaders of political parties in the House are eligible for election as Speaker. The Speaker, once elected by secret ballot, has received the confidence of the majority of Members in the House and must preside over the debates and make sure the House follows established rules of procedure and behaviour. The Speaker's first duty is to claim on behalf of all Members, the "ancient and accustomed parliamentary rights and privileges", the most important of which is freedom of speech in debate. It then becomes the Speaker's heavy responsibility to uphold the individual and collective privileges of the Members and of the House.

The Office of Speaker has a long and colourful history. An appreciation of the historic role of Speaker helps one to understand the modern role of Speaker. In the book *The Office of Speaker in the Parliaments of the Commonwealth*, Philip Laundy states

> "The Office of Speaker is almost as old as Parliament itself. The first Speaker to be so designated was appointed in 1377...the principal function of early Speakers was to communicate the resolutions of the Commons to the King..., and it may be presumed that some kind of intermediary between Parliament and the King came into existence when the English Parliament first assumed its rudimentary form."

Today on Prince Edward Island the Speaker's role is ever evolving but, there are some fundamental responsibilities of the office that are of paramount importance. The Speaker must conduct the business of the Office in a non-partisan manner and is responsible for ensuring that all MLAs are treated fairly and impartially. Balancing the right of the majority to conduct business with the right of the minority to be heard is one of the Speaker's most difficult tasks. Given the often adversarial nature of parliamentary business on the floor of the House - with a majority Government and a minority Opposition - the role of the Speaker is often referred to as being similar to that of a referee!

Further, the Speaker serves as Chair of the Standing Committee on Legislative Management (see page 10), as Chair of the Standing Committee on Legislative Audit (see page 25), and as President of the Prince Edward Island Branch of the Commonwealth Parliamentary Association. As such, the Speaker represents the Legislative Assembly at regional, national and international meetings of CPA. The Speaker is also responsible for the operation of the various activities of the Legislative Assembly when the House is not in session such as the provision of security and the co- management of Province House with Parks Canada.

Office of the Legislative Assembly

Charles MacKay
Clerk of the Legislative Assembly

While the role of the Speaker and Clerk of the Assembly are steeped in parliamentary tradition, the Office of the Legislative Assembly is a relatively new statutory creation on Prince Edward Island. Established in 1996 via amendment to the ***Legislative Assembly Act, R.S.P.E.I. 1988, Cap L-7,*** the Office is as follows;

> s.38 (1) - There is hereby established the Office of the Legislative Assembly which shall consist of the Speaker, the Deputy Speaker, the Clerk, the Clerk Assistant, the Sergeant-at-Arms and such other Officers and employees as may be required for the proper conduct of the business of the Office of the Legislative Assembly.
>
> (2) - The Clerk and the Clerk Assistant shall be appointed by the Legislative Assembly on the recommendation of the Standing Committee on Legislative Assembly Management and shall serve at pleasure.
>
> (3) - All officers and employees of the Legislative Assembly, other than the Speaker, Deputy Speaker, Clerk and Clerk Assistant shall be appointed by the Standing Committee on Legislative Management and shall serve at pleasure.
>
> (4) - The Standing Committee on Legislative Management, with the assistance of the Staffing and Classification Board, shall determine and regulate the pay and other terms and conditions of employment of officers and employees of the Office of the Legislative Assembly other than the Speaker and Deputy Speaker.

Since the House of Assembly first met in 1773, the expectations on the Legislative Assembly have, naturally, changed in a significant way. It follows then that the role and expectations on the Speaker of the Legislative Assembly and the Clerk, as servants of the House, have also continued to change and evolve. Even the method of selecting the Speaker and the Clerk have changed to more effectively illustrate the independence of the Assembly from the Executive. On January 3, 1997, the first sitting day after the 1996 General Election, the Speaker was elected by "secret ballot" for the first time in Island history. Previous to this change in the method of electing the Speaker, it had been done by motion put by the Honourable Premier to the House. Also beginning after the 1996 General Election, and via amendment to the Legislative Assembly Act, the Clerk and Clerk Assistant of the Legislative Assembly are to be appointed by the Assembly on the recommendation of the Standing Committee on Legislative Management. Both these changes are significant in that they accord an opportunity for all Members of the House, regardless of whether they are Members of Government, Private Members or Members of Opposition parties, the formal opportunity to express confidence, or otherwise, in the Speaker and Clerks of the House.

Statement of Goals

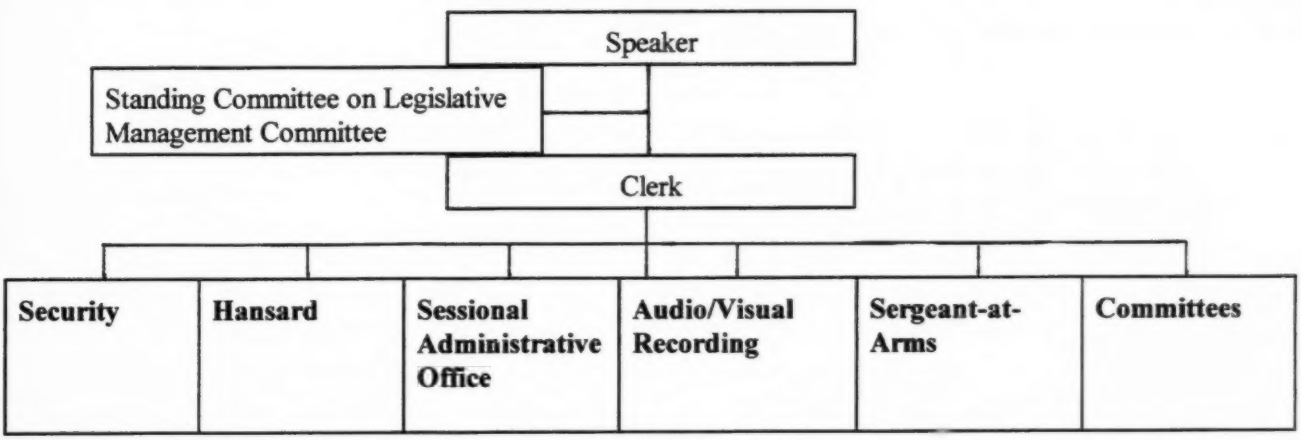
In practical terms, the Speaker of the Legislative Assembly is the Head of the Office; the Clerk is the Chief permanent officer of the House responsible for ensuring, among other things, that the expressed will of the Speaker and the Standing Committee on Legislative Management are implemented, that the support services for Members operate in a smooth and efficient manner, that the records of the House are maintained, and that the Speaker and Members of the House are provided with independent procedural, operational, and administrative advice on the proceedings of the House.

One widely held misconception is that the Office of the Legislative Assembly is a branch of government and that its employees are government employees. Such is not the case. In the Westminster Model of parliamentary democracy (to which PEI and all other Canadian jurisdictions adhere), the "government" is the Executive Branch (responsible for applying and enforcing laws and for the administration of Government), the Legislative Branch is responsible for establishing these laws, for the granting of supply (or money) to Government so that the Executive may carry on its programs and policies, and is a forum in which Government is held publicly accountable for the decisions it takes. Further, the Office of the Legislative Assembly provides various types of support to the entire Assembly, including services to Private Members and Members of Opposition parties alike.

The Office of the Legislative Assembly then has two main roles. The first is to support the Speaker and Members in the administration and provision of services to MLAs so that they can perform their legislative responsibilities as effectively as possible. Further, the Office administers the payroll and benefits programs for all Members and staff of the Legislative Assembly, produces certain House documents, and maintains the official record of the House.

Below is an unofficial organizational chart to help illustrate the present structure of the Office of the Legislative Assembly:

Office of the Legislative Assembly



Report on Activities

Year 2001/2002 has been an active one for the Office of the Legislative Assembly. Since 1997, there has been two distinct sittings of the Legislative Assembly in each calendar year, resulting in increased House activity. Below is a comparison of sitting days over the past ten years;

Year	General Assembly/ Session	Number of Sitting Days
2001/2002)	3rd Session/ 61st General Assembly	45
2000/ 2001*	2nd Session/ 61st general Assembly	40
1999/2000	3rd Session/60th General Assembly & 1st Session/ 61st General Assembly	40
1998/1999	2nd Session/60th General Assembly	59
1997/1998	1st Session/60th General Assembly	111
1996*	4th Session/59th General Assembly	30
1995	3rd Session/59th General Assembly	24
1994	2nd Session/59th General Assembly	34
1993*	1st Session/59th General Assembly	18
1992	4th Session/58th General Assembly	28
1991	3rd Session/58th General Assembly	28

*Denotes a General Election year.

The 3rd Session of the 61st General Assembly commenced on 15 November, 2001, with the reading of the Speech from the Throne by the Honourable J. Léonce Bernard, Lieutenant Governor. As indicated, the session lasted 45 sitting days with the fall sitting concluding on 19 December, 2001, resuming on 29 March, 2002 and proroguing on 10 May, 2002. During the session

- Thirty two Notices of Motion were filed at the Table, twenty four of which were Private Members Motions and eight of which were Government Motions.

- Forty six Government Bills were introduced with all receiving Royal Assent
- Two Private Members Bills were introduced, both of which received Royal Assent
- 612 Written Questions were tabled.

- The Estimates of Revenue & Expenditure were Tabled and a Budget of Budget of $1,000,986, 400 was considered and approved by the House.

Administration

Over the past number of years, the Office of the Legislative Assembly, from an administrative standpoint, has experienced a significant increase in responsibilities.

A verbatim transcript of House proceedings (Hansard) was established in 1996 requiring the creation of a sessional Hansard Office (see Hansard Office Report (page 19). Audio proceedings of the House were broadcast live on the internet (commencing in 1996), and visual camera coverage of proceedings of the House commenced in the fall of 1997. At present, a project is underway to convert the analog video tape recordings of the sessions since 1997 to digital recordings . In addition, work has commenced on moving the Camera Recording system from its present temporary location in the 3rd Floor, Province House Press Room, to another located on the 3rd floor. Review and analysis is also presently underway with respect to upgrading the audio systems in the House and the Committee recording system.

Security measures have been increased greatly, and are continually reviewed (see Security Officer Report, Page 18). As a direct result of the bombing of Province House in April 1995, the position of Security Officer was created. With ongoing world events, security continues to be a priority to ensure that legislators, general public and staff at Province House can go about their business in a safe and accessible environment.

In addition to the foregoing, the Office of the Legislative Assembly also handles human resource requirements for the various operations of the House. These include the Legislative Assembly Office, Sessional Offices, Opposition Members and Government Members Offices, Conflict of Interest Commissioner, Elections P.E.I. and the Freedom of Information Protection of Privacy Office. In addition, pursuant to the Rules of the Legislative Assembly, the Office is also responsible for the production of the Daily Journal of the Legislative Assembly (and subsequent binding, indexing and publishing of the annual volume), production of the Orders of the Day and maintenance of the official records of the Legislative Assembly. The Clerks are also responsible for providing procedural and support services to the Speaker, Committee Chairs and Members; public education and information services to Members, Government and the private sector; administrative support to the Assembly, and provision of financial resource management.

The Office of the Legislative Assembly is also involved in coordinating and supporting such initiatives as the Prince Edward Island Page Programme, the Rotary Youth Parliament, co-management of Province House (in cooperation with Parks Canada), ensuring adequate staffing and training for sessional and other operations of the House, administrative support for the Conflict of Interest Commissioner and the Indemnities and Allowances Commission and various other special initiatives, programs and reviews as undertaken from time to time.

In conclusion, the Office would be remiss if it did not sincerely thank all of those in the Government Service who provide assistance and support to the Legislative Assembly. Without the competent and professional assistance of these dedicated public servants, the Office of the Assembly would not be in a position to deliver services to the Members and public at present levels. Specifically, special thanks is extended to Audio Visual Services

(Provincial Treasury), Fiscal Management (Provincial Treasury), Queen's Printer (Provincial Treasury), Financial Information System support, Information Technology Management Group, Department of Transportation and Public Works, Provincial Archives (Department of Community and Cultural Affairs) and Federal Parks Canada.

Also, congratulations are extended to Marian Johnston of Charlottetown on being selected as Clerk Assistant and Clerk of Committees in November, 2001. Marian brings a fresh perspective and wealth of experience to the Assembly. She will be making a valuable contribution to the work of the Assembly for many years to come. Welcome Marian!

Standing Committee on Legislative Management Committee

The Standing Committee on Legislative Management, pursuant to the Rules of the Legislative Assembly, shall be shall be composed of the Speaker (as Chair), the Leader of the Official Opposition (or designate), Leader of the Third Party (or designate), Government House Leader (or designate), Government Caucus Chair (or designate), Opposition Caucus Chair (or designate) and the Deputy Speaker.

The Committee is charged with matters as follows:

(a) policies for the administration of the Legislative Assembly,

(b) the provision of security, facilities, and services, including allocation to party caucuses and individual Members,

(c) the appointment, supervision, and management of the staff of the Legislative Assembly, other than the staff of party caucus offices and the Office of the Leader of the Opposition.

(d) review of estimates of expenditure for the Legislative Assembly, including the forecasts and analysis of expenditures and financial commitments of the Assembly,

(e) other matters necessary for the efficient and effective operation and management of the Legislative Assembly.

During 2001/2002, the Committee was active in dealing with such matters as guidelines for public protest at Province House (in response to several incidents of camping on the grounds of Province House), security changes as a result of the events of September 11, 2001, staffing changes resulting from resignations, requests by Government to consider fiscal reductions in the Assembly budget, support levels provided to the Opposition and Government Members Offices, and various other administrative matters associated with the operation of the Legislative Assembly.

Clerk of Committees
Marian Johnston

Standing and Special Committees

The *Rules of the Legislative Assembly of Prince Edward Island, 1988*, lists the standing committees which the House has decided should be appointed in every session. These are the Standing Committee on Privileges, Rules and Private Bills; the Standing Committee on Public Accounts; the Standing Committee on Agriculture, Forestry and Environment; the Standing Committee on Community Affairs and Economic Development; the Standing Committee on Social Development; the Standing Committee on Fisheries, Intergovernmental Affairs and Transportation; and the Standing Committee on the Constitution of Canada.

In addition to the Standing Committees, Special Committees may be created for a particular purpose, to be disbanded when that purpose is discharged. They can be established during the course of each session, and vary in number and mandate.

Role of Committees

Committees are regarded creatures of the House, and their structure, authority and mandates are delegated by the House. Procedurally, they are governed by the same Rules which prevail in the House, with the exception as to the seconding of motions and limiting the number of times of speaking.

Committees are empowered to examine and inquire into all such matters and things that may be referred to them by the House. In addition, by majority decision of their membership, Committees may meet to examine and inquire into such matters and things as the Committee deems appropriate. They are required to report to the House form time to time their observations and opinions, and possess the power to send for persons, papers and records.

Committees have a sessional mandate, and are dissolved by dissolution or prorogation of the House, unless a Committee has been given permission by the House to meet after prorogation to continue its inquiries. The only exception to this are the Standing Committee on Privileges, Rules and Private Bills and the Standing Committee on Legislative Management, which are empowered to sit when the House is not in session. All Committees authorized to meet intersessionally must report to the next session of the House within ten sitting days of its commencement.

Summary of Committee Activity

Summary of Committee Activity The Third Session of the Sixty-First General Assembly				
Committee Name	**Chairman**	**Committee Members**	**Number of Meetings**	**Number of Reports**
Standing Committee on Privileges, Rules and Private Bills	Hon. Elmer MacFadyen	Hon. Jamie Ballem Helen MacDonald Hon. Ron MacKinley	4	2
Standing Committee on Public Accounts	Hon. Ron MacKinley	Jim Bagnall Philip Brown Cletus Dunn Kevin MacAdam Eva Rodgerson	12	2
Standing Committee on Agriculture, Forestry and Environment	Norman MacPhee	Philip Brown Hon. Michael Currie Eric Hammill Wilbur MacDonald Hon. Ron MacKinley	5	2
Standing Committee on Community Affairs and Economic Development	Beth MacKenzie	Wilfred Arsenault Hon. Chester Gillan Hon. Mitch Murphy Kevin MacAdam Hon. Ron MacKinley	1	0
Standing Committee on Social Development	Vacant (former Chairman Wilbur MacDonald resigned as of April 23, 2002)	Hon. Greg Deighan Don MacKinnon Hon. Ron MacKinley Hon. Pat Mella	2	1
Standing Committee on Fisheries, Intergovernmental Affairs and Transportation	Wes MacAleer	Hon. Jeff Lantz Bobby MacMillan Hon. Gail Shea Hon. Ron MacKinley	1	0
Standing Committee on the Constitution of Canada	Hon. Pat Binns	Beth MacKenzie Hon. Ron MacKinley Hon. Pat Mella Hon. Mitch Murphy	1	0

Standing Committee on Agriculture, Forestry Environment - Warranting Attendance of Witnesses

The most significant and far-reaching issue dealt with by a Standing Committee during the Third Session of the Sixty-first General Assembly was warranting the attendance of witnesses.

On April 3, 2001, the Standing Committee on Agriculture, Forestry and Environment was charged with the responsibility of conducting a full and complete examination of the events leading up to and subsequent to the discovery of potato wart fungus in the province in October, 2000. The discovery of this disease was a major blow to the potato industry and devastated many sectors of the Prince Edward Island economy with the United States border closing to potato shipments for six months.

In September 2001, representatives of the P.E.I. Potato Board, the P.E.I. Potato Producers' Association, the provincial Department of Agriculture and Forestry, and the federally-mandated Canadian Food Inspection Agency were invited to assist the Committee's investigation by appearing before it to provide information and answer questions relating to the matter. All parties accepted the Committee's invitation, with the exception of the Canadian Food Inspection Agency. Their response indicated that the CFIA was declining the Committee's invitation but would receive, and respond to, written questions from the Committee related to the potato wart issue.

The Committee met on November 9, 2001, to consider this response. As a result, a second written, and more strongly worded, invitation was extended to the CFIA, expressing the Committee's disappointment and reaffirming the Committee's wish to have the CFIA appear at the public hearing scheduled for November 14, 2001. On November 13, 2001, the invitation was again declined and again the offer of assistance in answering written questions was made. The public meeting scheduled for the following day was cancelled.

A further response from CFIA was received in the form of correspondence containing a legal opinion from the Federal Department of Justice stating that it is beyond the constitutional authority of a provincial legislature to mandate an inquiry into the operations of a federal agency. Relevant case law cited was the Supreme Court of Canada decision of 1979 in *AG Quebec and Keable vs. AG of Canada.*

The Committee was faced with the decision of whether to warrant the attendance of the provincially resident CFIA officials The Clerk's Office of the Legislative Assembly undertook a survey of legal databases concerning the jurisdiction of provincial legislatures as it applies to federal government employees. Legislative counsel was advised and an opinion was requested. The Legislatures of other provinces and territories were consulted as to their experience of circumstances where federal officials were warranted to appear before a standing committee of a provincial legislature. Responses to these inquiries were of mixed opinion, leading the Committee to understand that the power of a legislative committee to subpoena federal government employees is not clear cut.

After reviewing the information received, the Standing Committee on Agriculture, Forestry and Environment held discussions to decide a course of action. The Standing Committee met on November 20, 2001, to determine a course of action in its examinations following CFIA's second refusal to appear. It decided to proceed, re-scheduling the public hearing and issuing a third letter of invitation to the CFIA officials which

outlined further action that the Committee might take to ensure their attendance. Media interest in these events was intense, with coverage of the Committee's decision appearing the next day in *The Guardian* and *The Journal-Pioneer* newspapers.

The public hearings took place on December 12, 2001, with presentations made by the Provincial Minister of Agriculture and Forestry, the Provincial Deputy Minister of Agriculture and Forestry, the General Manager and the Assistant General Manager of the P.E.I. Potato Board, and the President and Past President of the P.E.I. Potato Producers' Association. Representatives of each group expressed their disappointment that members of the Canadian Food Inspection Agency were not present. The meeting was open to the public and several members of the media were in attendance.

Following the public portion of the meeting, an *in camera* session commenced. A resolution was passed to subpoena the representatives of the CFIA

Subpoenas were prepared and served on two representatives of the CFIA Charlottetown office directing them to attend a meeting of the Committee scheduled for January 10, 2002. Again, the Department of Justice Canada responded to the Chair of the Standing Committee. In the correspondence, a request was made that the summonses be withdrawn, again citing the *Keable* decision as grounds, or, in the alternative, referring the matter to a judicial review.

On January 2, 2002, the Clerk was advised by the Office of the Attorney General that the Federal Government made application to have the subpoenas stayed. The matter was heard by Justice Kenneth MacDonald on January 7, 2002. Justice MacDonald made an interim declaration, granting a temporary exemption for both CFIA representatives from complying with the summonses and setting a date of March 15, 2002, to hear the case.

At this point, the work of the Standing Committee turned from its examination of the potato wart crisis to preparation for the upcoming court case.

Prior to March 15, a postponement was granted and arguments on the matter were finally heard on June 11, 2002, before Justice Wayne Cheverie. A decision is expected later this year.

Footnote to History

The present-day activity of the Standing Committee on Agriculture, Forestry and Environment continues and extends the work started exactly 89 years ago concerning potato diseases and their impact on the Province's economy.

On April 3, 1912, during the First Session of the Thirty-Seventh General Assembly, the following resolution (Resolution No. 13 on the Order Paper) was referred to the Select Standing Committee on Agriculture:

"*Resolved*, That in view of the prevalence in European countries and Newfoundland of a potato disease

known as "Potato Canker" and the consequent danger of the same being introduced into this Province, it is desirable that proper steps be taken to prevent the importation of potatoes from any of the infected countries without proper inspection."

The Committee reported back to the Legislative Assembly one week later, with their recommendation, and observed that

> "...this Province offers peculiar advantages, owing to its insular position, for preserving an area free from the potato canker and thus securing healthy seed for the supply of diseased areas."

Role of the Clerk of Committees

The Standing and Select Committees of the Legislative Assembly are served by the Clerk of Committees who advises the chairman and individual committee members on the rules, procedures and practices of legislative committees. The Clerk of Committees is accountable for the overall administrative operation of the committee, issuing committee notices and agenda, arranging for attendance of witnesses, assisting in drafting of reports, as well as ensuring that the orders of the committee are carried out.

Conferences Attended

A delegation consisting of the Hon. Ron MacKinley, Chairman of the Standing Committee on Public Accounts; Jim Bagnall, MLA, Vice-chairman of the Standing Committee on Public Accounts; and Marian Johnston, Clerk of Committees, attended the 23rd Annual Conference of the Canadian Council of Public Accounts Committees (CCPAC), held in St. John's, Newfoundland and Labrador, August 25-27, 2002.

Publications Received

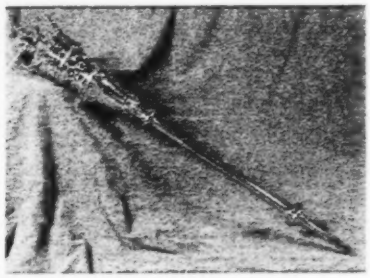
Two books were received by the Clerk's Office during the Session.

Lee, Derek. The Power of Parliamentary Houses to Send for Persons, Papers & Records: A Sourcebook on the Law and Precedent of Parliamentary Subpoena Powers for Canadian and Other Houses. Toronto: University of Toronto Press Incorporated, 2001.

McGee, David G. The Overseers Public Accounts Committees and Public Spending. London: Commonwealth Parliamentary Association in Association with Pluto Press, 2002.

Sergeant-at-Arms
&
Gentleman Usher of the Black Rod
Flying Officer Ivan Kerry, DFC

The Sergeant-at-Arms is part of the Office of the Legislative Assembly as defined in the Legislative Assembly Act, RSPEI 1988 Cap L-7. The position is steeped in parliamentary tradition. The office originated in the early years of the British Parliament, when mace-bearing members of the Royal bodyguard were assigned to attend the Speaker at sittings of the House of Commons. With the Sergeant-at-Arms and the Mace, the House may exercise its considerable rights and privileges and the various parliamentary functions assigned to it.



Prince Edward Island's Mace

Today, the Sergeant-at-Arms on Prince Edward Island is responsible for bearing the Mace during the daily procession into the House, ensuring the safekeeping of the Mace, and carrying out such other duties as may be assigned by the Speaker or the Clerk.

Black Rod

In addition to serving as Sergeant-at-Arms, Mr. Kerry also serves in the historic capacity of Gentleman Usher of the Black Rod during ceremonial occasions. Responsibilities of this position are to serve as an escort to the Honourable Lieutenant Governor when entering the Legislative Chamber at the beginning of a Session for the reading of the Speech from the Throne and for the granting of Royal Assent, usually at the end of a session or before a lengthy adjournment.

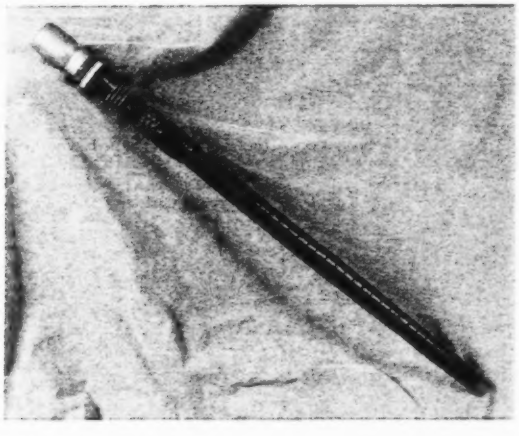
In parliamentary proceedings, symbols such as the Black Rod are important as they serve to remind us of historic struggles of people against the arbitrary rule of monarchs. They also serve to signify the serious responsibilities of people in elected office. Early use of the Black Rod in 1348 suggest that it was used to deny admission of unauthorized persons to various festivals and events at Windsor Castle. Later, its symbolism and history reflect an occurrence in the British House of Commons in 1642 when King Charles I stormed the Chamber to arrest five

Members who opposed him, but the Speaker of the day refused to turn them over.

Current practice has the Sergeant knocking on the doors of the Chamber with the Black Rod seeking permission for the Lieutenant Governor to enter. This symbolic act was incorporated into the opening ceremony on Prince Edward Island in 2000 and serves to emphasize that the people, and their elected Assembly, are supreme and not the Crown.

Prince Edward Island also has a relatively new, and unique, Black Rod. It is made of Island Red Oak, Prince Edward Island's Official tree. It has a gold band at the top representing the Lieutenant Governor of the Province, a silver band representing the Speaker, red, white and blue signifying the Clerk, Clerk Assistant and Sergeant-at-Arms, four white rings for the pages and large and small dark green rings representing the Province and the three counties respectively.

Two Island pennies have been mounted. These are the only Island coins ever minted for P.E.I. and show on the face "Victoria Queen 1871" and on the reverse the Provincial Oak trees. Below this are the 27 grooves representing the 27 electoral districts in Island rust representing our uniquely coloured soil.



Prince Edward Island's Black Rod

Lloyd Kerry's Woodworking of Charlottetown crafted the newly-redesigned Black Rod with the assistance of Ivan Kerry, Sergeant-at-Arms of the Prince Edward Island Legislative Assembly. Island historian Doug Morton presented as a gift the two 1871 coins mounted in the base of the Rod.

Security

Wayne Collicott

Security Officer

The position of Security Officer was created as part of a series of increased security measures established after a pipe bomb exploded underneath a wheelchair ramp in the North side of Province House in April of 1995.

The Security Officer is responsible for the implementation and day-to-day operations of security policies as established by the Standing Committee on Legislative Management. The objective is to provide a safe and secure environment for MLAs to conduct their parliamentary responsibilities in Province House and the Coles Building while balancing the right of the public to access and view the proceedings of the Legislative Assembly. At present, assisting the Security Officer in the delivery of security services are six Members of the Canadian Corp of Commissionaires (one full time and five part-time).

Additional responsibilities include monitoring and maintenance of electronic surveillance equipment, additional training of security personnel, liaison with Charlottetown City as directed, creation of guidelines for the handling of bomb threats, fire evacuation plans, contact for assistance with public demonstrations, etc.

As an example, certain specific security measures in place at Province House include

- parking lot control including communication with security office and periodic vehicle checks
- controlled carriage of parcels, packages, etc. into Province House
- continuous 360 degree electronic surveillance, taping and monitoring of exterior and interior of Province House
- sign in procedure for visitors and guests
- security Badge clearance system for all employees, staff, media, etc.
- designated restricted areas at Province House
- security lighting
- use of security wands when required
- development of emergency plans and the deployment of emergency equipment

Hansard Office

Shirley Wood
Hansard Editor

Hansard was established in 1996 at the commencement of the 4th Session of the 59th General Assembly.

The Hansard Office is comprised of four sessional employees (one editor and three Hansard transcriptionists) responsible for the verbatim transcription and publication of the proceedings of the House. Hansard is produced within two sitting days of the House proceedings, such that

Tuesday's Hansard is distributed on Thursdays
Wednesday's Hansard is distributed on Fridays
Thursday's Hansard is distributed on Tuesdays
Friday's Hansard is distributed on Wednesdays

Hansard is also posted online at the Legislative Assembly's website, and is available for online such as;
Tuesdays Hansard is available for online Wednesday by 5:00 p.m.
Wednesdays Hansard is available for online Thursday by 5:30 p.m.
Thursdays Hansard is available for online Monday by l:30 p.m.
Fridays Hansard is available for online Monday by 7:00 p.m.

Previous sessions of the Assembly since the creation of Hansard are archived online and may be searched by keyword or phrase.

At the conclusion of a session, the printed Hansards are bound into volumes. Since its inception, resulting volumes are as follows:

1996 -	4th Session of the 59th General Assembly -	2 volumes	(1238 pages)
1997/98 -	1st Session of the 60th General Assembly -	13 volumes	(6150 pages)
1998/99 -	2nd Session of the 60th General Assembly -	3 volumes	(3623 pages)
1999/00 -	3rd Session of the 60th General Assembly -	1 volume	(1001 pages)
2000 -	1st Session of the 61st General Assembly -	1 volume	(1054 pages)
2000/01 -	2nd Session of the 61st General Assembly-	2 volumes	(2213 pages)
2001/02 -	3rd Session of the 61st General Assembly-	2 volumes	(2417 pages)

Present staff are;

Ms. Shirley Wood, Editor
Ms. Linda Henry, Transcriptionist
Ms. Helen Gunter, Transcriptionist
Ms. Tena McKenzie, Transcriptionist

Budget for the Legislative Assembly
for
Fiscal Year 2001/2002

Legislative Assembly

	ESTIMATE 2002-2003	FORECAST 2001-2002	ORIGINAL BUDGET 2001-2002
Legislative Services	**$1,361,400**	**$1,251,200**	**$1,356,000**
Members	**$1,537,900**	**$1,459,400**	**$1,504,600**
Conflict of Interest Commissioner	**$ 23,700**	**$ 19,500**	**$ 33,700**
Elections	**$ 178,800**	**$ 184,300**	**$ 173,000**
Election Expenses	**$ 0**	**$ 4,700**	**$ 0**
TOTAL	**$3,101,800**	**$2,919,100**	**$3,067,300**

Indemnities and Allowances Commission

The independent Indemnities and Allowances Commission is appointed by the Speaker of the Legislative Assembly (pursuant to Section 46 of the Legislative Assembly Act, R.S.P.E.I. 1988, Cap. L-7) and is charged with the responsibility of making binding decisions on remuneration and Allowances to be paid to Members of the Legislative Assembly, Premier, Speaker, Minister of the Crown, various House positions and Executive Council Committee positions.

Members of the Commission are appointed for the duration of the General Assembly in which they are appointed or for not more than five years.

The Commission conducts an annual review of remuneration and allowances and submits, on or before December 1 each year, a report determining the remuneration and allowances to be paid to the persons referred to in subsection 46(1) of the Legislative Assembly Act.

Members of the Commission in 2001/2002 were;

- Mr. Colin Younker, CA, Chair
- Mr. Keith Boswell, Commissioner
- Mr. Michael Schurman, Commissioner

The Commission's last report was tabled in the Legislative Assembly by the Speaker on 4 December, 2001.

Mr. Colin Younker resigned as Chair of the Commission effective 1 October, 2002. Hon. Mildred Dover, Speaker of the Legislative Assembly, pursuant to Section 46 of the Legislative Assembly Act, subsequently appointed Mr. Keith Boswell as Chair, and Mr. Abe Ferris of Charlottetown as a Commissioner. Mr. Schurman continues in his capacity as Commissioner.

Office of the Conflict of Interest Commissioner

The Conflict of Interest Commissioner is appointed by the Legislative Assembly on the recommendation of the Standing Committee on Legislative Management. The Commissioner is an independent and impartial officer of the Legislative Assembly charged with the responsibility of administering the Conflict of Interest Act, RSPEI 1988, Cap. C-17.1. The purpose of the Act is to assist Members and Ministers in reconciling their respective private interests with their public responsibilities to facilitate the avoidance of the occurrence of conflict of interests arising.

Administrative support is provided through the Office of the Clerk of the Legislative Assembly. Ministers and Members meet annually, and at such other times as may be necessary, with the Conflict of Interest Commissioner in preparation of private and public disclosure statements. Public disclosure statements are then made available in the Office of the Clerk for public inspection during regular office hours.

Mr. Neil Robinson of Charlottetown is the present Conflict of Interest Commissioner. He was unanimously appointed by the Legislative Assembly on 10 December, 1999 for a term of five years.

Pursuant to Section 3 of the Conflict of Interest Act, the Conflict of Interest Commissioner reports annually to the Legislative Assembly. The Commissioner's last report was tabled by the Speaker on 16 April, 2002.

ANNUAL REPORT

2002

Elections Prince Edward Island

Events over the past year:

Elections P.E.I. was charged by a Special Committee on the Election Act of the Prince Edward Island Legislature to table a report on "Proportional Representation" as it exists in other countries throughout the world and how it relates to Prince Edward Island. Our terms of reference were as follows:

> "Accordingly, your committee recommends that Elections P.E.I. commence as soon as possible a review of the systems of proportional representation presently in existence in other jurisdictions. Particular attention should be paid to jurisdictions of reasonably comparable geographic size and population to Prince Edward Island. After the conduct of this review, Elections P.E.I. would make report on its findings to the Speaker of the Legislative Assembly who would then table the report in the House for the consideration of all Members."

It has been an interesting endeavor trying to decipher the different methods of Proportional Representation (PR) used throughout the world. Our main conclusion in filing this report was:

> If Prince Edward Island is to adopt PR then let it be a "made in Prince Edward Island system" of Proportional Representation, made for Islanders, to be used by Islanders.

Having noted this, it became most apparent to our office that most Islanders, including elected members, are not sure as to how a PR system of government would affect our Province. Therefore our report suggested that a major component in reviewing PR has to be focused on education. Not only must the elected members fully understand the PR system of government but the general public must also understand it so as to ensure well-informed decisions in enabling everyone to choose between Proportional Representation or remain with our present system of "First Past the Post". In looking at the many different types of Proportional Representation the one that stood out as the best option as far as Islanders would be concerned was the Mixed Member Proportional.

Mixed Member Systems (MMS):

> First, representatives are elected in an FPTP fashion. The rest of the seats are then given to at-large members in proportion to the percentage of the vote that their party received. For example, let's assume that the Green Party receives 10% of the vote across Germany. It is unlikely that this will be concentrated in any one riding, and so the Green Party would probably not elect an individual representative; however, they would receive 10 (10% of the 103 seats) seats as at-large representatives. This system is used in Germany.

In brief, this method makes specific members responsible to specific constituencies which is very important to many Island electors. At this point, we are not sure what the next step might be but the Premier has indicated that PR will

be discussed with the people and then possibly a plebiscite or referendum will be held on the subject.

During the past year school board elections were held across the Province. These elections were held on May 27, 2002 and applied to all 25 school zones. Elections P.E.I. created educational booklets concerning the electoral process which provided parents with information pertaining to elector and trustee qualifications, nominating procedures and detailed zone maps as well as facts such as returning officers, voting locations and voting times. We also collaborated with the Department of Education in producing a school trustee brochure outlining the role of a school trustee as well as the history of education in Prince Edward Island. In the past we have been concerned with the dismal voter turnout pertaining to school board elections, especially when provincially and federally our voter turnout is one of the highest in the country. To bolster the voter turnout we assisted the P.E.I. Home and School Federation in producing and distributing candidate profiles. This was done and was well received by the parents where elections took place. However, much to our dismay, the voter turnout was not astounding except in one zone in which there was three popular candidates nominated.

Our office continues to strive for increased educational materials and have produced the booklet entitled: *Governors, Lieutenant Governors and Administrators 1769 to October 2002*, which gives pictures and biographical information on former and current persons in these positions.

Also, Elections P.E.I. has been reviewing its legislation in light of recommendations made by the Special Committee on the Election Act. The review has included provisions dealing with the availability of hospital voting, voting in the returning officers office and changes to the mail-in ballot procedures. We will also be seriously looking at a door-to-door confirmation process rather than an enumeration process for the next general election.

Information & Privacy Commissioner

Pursuant to the Freedom of Information & Protection of Privacy Act, RSPEI 1988, Cap. F-15.01, the Legislative Assembly is to appoint a Information and Privacy Commissioner. The Commissioner is an officer of the Legislative Assembly and is charged with the responsibility of faithfully and impartially administering the Act and the affairs of the Office of the Information and Privacy Commissioner.

The Act was proclaimed into force on November 1, 2002. The Standing Committee on Legislative Management, Chaired by the Speaker, is charged with the responsibility of recommending a person for appointment as Commissioner to the Legislative Assembly. Such recommendation must receive the support of at least 2/3rds of the Members of the Legislative Assembly.

Advertisements seeking individuals interested in becoming PEI's first information and Privacy Commissioner were placed in Island newspapers in October, 2002. Twenty six applications were received with interviews being offered to nine applicants. As a result of this process, the Standing Committee on Legislative Management unanimously recommended to the Legislative Assembly that Ms. Karen Rose of Charlottetown be appointed Commissioner.

On 19 November, 2002, the Committee's recommendation was unanimously adopted by the Legislative Assembly.

Office of the Auditor General

The Office of the Auditor General is created by the Audit Act, RSPEI 1988, Cap. A-24. The Auditor General is an officer of the Legislative Assembly and, as such, is accountable to the Legislative Assembly for the administration of the Act. Pursuant to the Act, the Auditor General is to submit an annual report to the Legislative Assembly, through the Speaker, no later than March 15th of each year.

The Auditor General is appointed by the Lieutenant Governor in Council who may, pursuant to Section 3 of the Act, consult the Standing Committee on Legislative Audit (Chaired by the Speaker, with other Members being the Provincial Treasurer, and the Leader of the Official Opposition).

For more information on the Office of the Auditor General, please see the 2002 Report of the Auditor General as tabled in the House by the Speaker on 27 March, 2002.

During the period of this report, Mr. Wayne Murphy, CA, Auditor General of Prince Edward Island since 1986 resigned effective 31 July, 2002. Mr. Colin Younker, CA, was appointed Auditor General effective 7 October, 2002.

Prince Edward Island Branch
of the
Commonwealth Parliamentary Association

Aims, Goals and Activities of the Association:

The CPA is an Association of Commonwealth Parliamentarians who, irrespective of gender, race, religion or culture, are united by community of interest, respect for the rule of law and individual rights and freedoms, and by pursuit of the positive ideals of parliamentary democracy.

The Association is a charity registered under the laws of the United Kingdom. Its stated purpose is to promote knowledge and understanding of the constitutional, legislative, economic, social and cultural systems within a parliamentary democratic framework. It undertakes this mission with particular reference to the countries of the Commonwealth of Nations and to countries having close historical and parliamentary associations with it.
It provides the sole means of regular consultation among Members of Commonwealth Parliaments. It fosters co-operation and understanding among them and promotes the study of, and respect for, Parliament. Its role is endorsed by Commonwealth Parliaments and Heads of Government.

The CPA pursues these objectives by means of
- Annual Commonwealth Parliamentary Conferences, Regional Conferences and other symposiums
- Interparliamentary visits
- Parliamentary Seminars and Workshops
- Publications, notably ***The Parliamentarian***, ***Canadian Parliamentary Review*** and two newsletters on CPA activities and on parliamentary and political events
- Parliamentary Information and Reference Centre communications.

History

The CPA was founded in 1911 as the Empire Parliamentary Association and its affairs were administered by the United Kingdom Branch. The original member Branches were Australia, Canada, Newfoundland, New Zealand, South Africa and the United Kingdom. Evolving with the Commonwealth, the CPA in 1948 adopted its present name, changed its rules to enable all member Branches to participate in the Association's management, and established a separate Secretariat to manage its affairs.

Association Branches now exist in more than 165 national, state, provincial and territorial Parliaments, with a total membership of over 14,000 Parliamentarians.

Today's resurgence of parliamentary democracy is evident in the growth of the CPA. In the 1990s, nearly 30 new Parliaments and Legislatures joined or rejoined the CPA: Cameroon; Fiji; new devolved Assemblies in Canada, India and the United Kingdom; Maldives; Mozambique; Nigeria; Seychelles; South Africa and its provinces; Uganda, and

Zanzibar in Tanzania. Pakistan and its provinces were members until the 1999 coup.

The CPA in 1989 created the constitutional posts of Patron and Vice-Patron. Her Majesty The Queen as the Head of the Commonwealth consented to become Patron. The Vice-Patron is normally the Head of State or Government of the Branch hosting the coming plenary conference. The 2002 Vice-Patron is H.E. Sam Nujomoa, MP, President of Namibia.

Activities

During 2001/2002, the Prince Edward Island Branch participated in the activities of the Canadian Region of the CPA. The Annual Canadian Regional Conference was held in Fredericton, New Brunswick, in July. In addition, there was also an annual CPA Canadian Regional Seminar hosted by Saskatchewan; the Atlantic Parliamentary Conference, hosted by Prince Edward Island at Mill River in June, 2001; and the Regional Council Meeting in Ottawa.

In addition to this, P.E.I. is also eligible to participate in the Small Countries Conference and the Commonwealth Parliamentary Conference. These Conferences are hosted by a different Commonwealth jurisdiction annually. Canada is scheduled to host the Conference in 2004.

In recognition of Her Majesty Queen Elizabeth II's Golden Jubilee, Madam Speaker Dover, as President of the Prince Edward Island Branch of CPA, had presented to the Principals of schools in the Province a framed portrait of Her Majesty for display in all respective schools.

President of the P.E.I. Branch is the Honourable Mildred Dover, MLA, Speaker of the Legislative Assembly and Branch Secretary is Charles MacKay. Questions may be directed to the Office of the Clerk, Province House, Box 2000, Charlottetown, P.E.I. C1A 7N8 (tel) 902-368-5970 or fax 902-368-5175.